

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division

TIFFIN L. SMITH,	)	
Plaintiff,	)	Case No. 7:14-cv-00477
	)	
v.	)	<b><u>ORDER</u></b>
	)	
SHERIFF CHIP HARDY, <i>et al.</i> ,	)	By: Joel C. Hoppe
Defendants.	)	United States Magistrate Judge

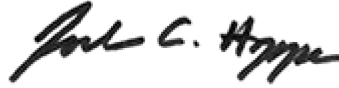
Plaintiff Tiffin L. Smith, a state inmate proceeding *pro se*, brought a lawsuit under 42 U.S.C. § 1983, alleging failure to protect. He also filed a motion for leave to amend his complaint. The Defendants moved to dismiss the lawsuit and opposed the motion for leave to amend. In an Order entered on September 21, 2015, the presiding District Judge granted Sheriff Harding and ACRJ's motion to dismiss, denied Officer Caligiuri's motion to dismiss, and granted in part Smith's motion for leave to amend. ECF No. 50. The Court allowed Smith 30 days to file an amended complaint "clarifying his allegations against Officer Richard Caligiuri and setting forth the factual basis for his failure-to-protect claim against Officer J. Lotts, Sergeant C. J. Mundy, and Corporal C. Woods." ECF No. 50. Smith moved for an extension, ECF No. 52, which this Court granted, ECF No. 53. Thus, Smith was required to file his amended complaint not later than November 25, 2015. As of today, Smith has not filed an amended complaint.

Accordingly, should Smith desire to pursue his case, he shall file an amended complaint within ten (10) days. Failure to file an amended complaint or otherwise respond to this Order will result in immediate dismissal of this action without prejudice.

It is so ORDERED.

The clerk shall send a copy of this order to the *pro se* Plaintiff and to counsel of record for all Defendants.

ENTERED: December 7, 2015

A handwritten signature in black ink, appearing to read "Joel C. Hoppe". The signature is written in a cursive, flowing style.

Joel C. Hoppe  
United States Magistrate Judge